

*REMARKS*

The Office Action dated September 27, 2005 has been carefully considered. By way of this amendment, claims 17-28 have been canceled without prejudice, and claims 1, 5-6, 10-11, 13, and 15-16 have been amended. Claims 1-16 remain in the present patent application. Applicant respectfully requests examination in view of the foregoing amendments and the following remarks.

In the Office Action, two procedural issues are raised including a restriction requirement and an election of species requirement. As it relates to the restriction requirement, the Examiner has issued a restriction between the invention of claims 1-16 and claims 17-28. Applicant herewith elects the invention of claims 1-16 drawn to an apparatus for displaying retail merchandise and accordingly has canceled claims 17-28 without prejudice, reserving the right to prosecute those claims in a separate divisional or continuation application.

Upon reviewing the claims, Applicant noted some minor wording issues. Applicant has amended various claims to clean them for prosecution. It is submitted that these amendments are not narrowing and otherwise not made for purposes of patentability, but simply to improve the readability of the claims for examination.

Finally, turning to the election of species requirement, Applicant herewith elects species 3 as shown in FIG. 10 for prosecution in this application. Claims 1-4 and 9-11 are readable upon this elected species, Species No. 3.

Considering that all procedural issues have been attended to, Applicant respectfully requests examination to proceed on this application.

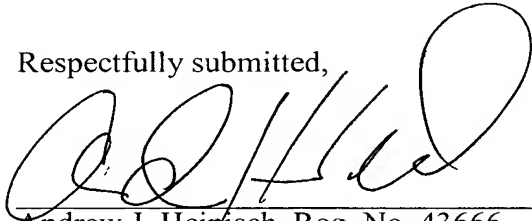
*CONCLUSION*

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the

In re Appln. of: Thomas E. Valiulis et al.  
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Examiner, a telephone conference would expedite the prosecution of the subject application,  
the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. Heirisch', written over a horizontal line.

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Date: October 26, 2005